

## HOUSE SUBSTITUTE

FOR

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## SENATE BILL NO. 810

## AN ACT

2 To repeal sections 660.100, 660.105, 660.110,  
 3 660.115, 660.120, 660.122, 660.135, 660.136,  
 4 and 660.285, RSMo, and to enact in lieu  
 5 thereof ten new sections relating to  
 6 supplemental assistance payments for the  
 7 elderly and disabled.

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8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
 9 AS FOLLOWS:

10 Section A. Sections 660.100, 660.105, 660.110, 660.115,  
 11 660.120, 660.122, 660.135, 660.136, and 660.285, RSMo, are  
 12 repealed and ten new sections enacted in lieu thereof, to be  
 13 known as sections 660.100, 660.105, 660.110, 660.115, 660.122,  
 14 660.135, 660.136, 660.285, 660.690, and 1, to read as follows:

15 660.100. 1. The department of social services is directed  
 16 to establish a plan for providing financial assistance to elderly  
 17 households, disabled households and qualified individual  
 18 households for the payment of charges for the primary or  
 19 secondary heating or cooling source for the household. This plan

1 shall be known as "Utilicare".

2 2. For purposes of sections 660.100 to 660.136, the term  
3 "elderly" shall mean having reached the age of sixty-five and the  
4 term "disabled" shall mean totally and permanently disabled or  
5 blind and receiving federal Social Security disability benefits,  
6 federal supplemental security income benefits, veterans  
7 administration benefits, state blind pension pursuant to sections  
8 209.010 to 209.160, RSMo, state aid to blind persons pursuant to  
9 section 209.240, RSMo, or state supplemental payments pursuant to  
10 section 208.030, RSMo. For the purposes of sections 660.100 to  
11 660.136, but not for the purpose of determining "eligible  
12 subscribers" pursuant to subdivision (4) of section 660.138, the  
13 term "qualified individual household" shall mean a household in  
14 which:

15 (1) One or more residents of the state of Missouri reside  
16 and whose combined household income is less than or equal to one  
17 hundred and [ten] fifty percent of the current federal poverty  
18 level or sixty percent of the state median income for the  
19 relevant household; and

20 (2) While the Federal Low Income Home Energy Assistance  
21 Program remains in effect, the household is also determined to be  
22 eligible for assistance under such program and related state  
23 programs of the Missouri department of social services.

24 660.105. Every qualified individual household for which an  
25 application is made, and every applicant household in which the

1 head of the household or spouse is elderly or disabled and the  
2 income for the prior calendar year does not exceed one hundred  
3 and [ten] fifty percent of the current federal poverty level or  
4 sixty percent of the state median income, shall be an "eligible  
5 household" and shall be entitled to receive assistance under the  
6 utilicare program if moneys have been appropriated by the general  
7 assembly to the utilicare stabilization fund established pursuant  
8 to section 660.136. "Income" shall be as defined in section  
9 135.010, RSMo.

10 660.110. The department of social services shall be  
11 responsible for coordination of all federal heating assistance  
12 programs [as well as] into the utilicare program and shall  
13 provide plans for the implementation and administration of these  
14 programs. [Except as otherwise provided in sections 660.100 to  
15 660.136, the utilicare program shall be administered in the same  
16 manner as the Federal Low Income Emergency Assistance Program.]  
17 The department may contract with local not-for-profit community  
18 agencies which render energy assistance pursuant to affiliation  
19 or contract with the United States Community Service  
20 Administration or another federal agency to distribute the  
21 federal moneys [and], to administer the federal heating and  
22 cooling assistance programs in accordance with the plan developed  
23 by the department[. The department may contract with local  
24 not-for-profit community agencies which render energy assistance  
25 pursuant to affiliation or contract with the United States

1 Community Service Administration or another federal agency] and  
2 to provide certain administrative services in connection with the  
3 utilicare program which may include the processing of utilicare  
4 applications and any other service which the department deems  
5 practical. Insofar as possible, within the provisions of federal  
6 law and regulations, all payments made from funds available from  
7 the Crude Oil Windfall Profit Tax Act of 1980 and other federal  
8 sources shall be made directly to energy suppliers in a manner  
9 similar to payments made under the state utilicare program.

10 660.115. 1. For each eligible household, an amount not  
11 exceeding [one hundred fifty] six hundred dollars for each fiscal  
12 year may be paid from the utilicare stabilization fund to the  
13 primary or secondary heating source supplier, or both, including  
14 suppliers of heating fuels, such as gas, electricity, wood, coal,  
15 propane and heating oil. For each eligible household, an amount  
16 not exceeding [one hundred fifty] six hundred dollars for each  
17 fiscal year may be paid from the utilicare stabilization fund to  
18 the primary or secondary cooling source supplier, or both.

19 [Notwithstanding any other provision of sections 610.100 to  
20 660.136 to the contrary, the amount paid from the utilicare  
21 stabilization fund for cooling assistance in any single cooling  
22 season shall not exceed the lesser of five percent of the total  
23 amount appropriated by the general assembly to the fund for the  
24 most recent fiscal year or five hundred thousand dollars.]

25 2. For an eligible household, other than a household

1 located in publicly owned or subsidized housing, an adult  
2 boarding facility, an intermediate care facility, a residential  
3 care facility or a skilled nursing facility, whose members rent  
4 their dwelling and do not pay a supplier directly for the  
5 household's primary or secondary heating or cooling source,  
6 utilicare payments shall be paid directly to the head of the  
7 household, except that total payments shall not exceed eight  
8 percent of the household's annual rent or one hundred dollars,  
9 whichever is less.

10 660.122. [Notwithstanding any other provision of sections  
11 660.100 to 660.136 to the contrary,] Funds appropriated under the  
12 authority of sections 660.100 to 660.136 may be used to pay the  
13 expenses of reconnecting or maintaining service to households  
14 that have had their primary or secondary heating or cooling  
15 source disconnected or service discontinued because of their  
16 failure to pay their bill. Any qualified household or other  
17 household which has as its head a person who is elderly or  
18 disabled, as defined in section 660.100, shall be eligible for  
19 assistance under this section if the income for the household is  
20 no more than one hundred [ten] fifty percent of the current  
21 federal poverty level or sixty percent of the state median income  
22 and if moneys have been appropriated by the general assembly to  
23 the utilicare stabilization fund established pursuant to section  
24 660.136. Payments under this section shall be made directly to  
25 the primary or secondary heating or cooling source supplier. Any

1 primary or secondary heating or cooling source supplier subject  
2 to the supervision and regulation of the public service  
3 commission shall, at any time during the period of the cold  
4 weather rule specified in the cold weather rule as established  
5 and as amended by the public service commission, reconnect and  
6 provide services to each household eligible for assistance under  
7 this section in compliance with the terms of such cold weather  
8 rule. All home energy suppliers receiving funds under this  
9 section shall provide service to eligible households consistent  
10 with their contractual agreements with the department of social  
11 services. [Notwithstanding the above, the division of family  
12 services shall only utilize general revenue funds appropriated in  
13 conjunction with this chapter after such time as the division has  
14 obligated all federal emergency funds available for the purposes  
15 enumerated above.]

16 660.135. 1. Not more than five million dollars from state  
17 general revenue shall be appropriated by the general assembly to  
18 the utilicare stabilization fund established pursuant to section  
19 660.136 for the support of the utilicare program established by  
20 sections 660.100 to 660.136 for any fiscal year, except in  
21 succeeding years the amount of state funds may be increased by a  
22 percentage which reflects the national cost-of-living index or  
23 seven percent, whichever is lower.

24 2. The department of social services may, in coordination  
25 with the department of natural resources, apply a portion of the

1 funds appropriated annually by the general assembly to the  
2 utilicare stabilization fund established pursuant to section  
3 660.136 to the low income weatherization assistance program of  
4 the department of natural resources; provided that any project  
5 financed with such funds shall [have a full energy savings  
6 payback period of no greater than ten years] be consistent with  
7 federal guidelines for the Weatherization Assistance Program for  
8 Low-Income Persons as authorized by 42 U.S.C. 6861.

9 660.136. 1. The "Utilicare Stabilization Fund" is hereby  
10 created in the state treasury to support the provisions of  
11 sections 660.100 to 660.136. Funds for the utilicare program may  
12 come from state, federal or other sources including funds  
13 received by this state from the federal government under the  
14 provisions of the Community Opportunities Accountability and  
15 Training and Educational Services Act of 1998 (Title III, Section  
16 301-309, Public Law 93.568), together with any interest or other  
17 earnings on the principal of this fund. Moneys in the utilicare  
18 stabilization fund [that are not required to meet or augment the  
19 utilicare funding requirements of the state in any fiscal year  
20 shall be invested by the state treasurer in the same manner as  
21 other surplus funds are invested. Interest, dividends and moneys  
22 earned on such investments shall be credited to the utilicare  
23 stabilization fund. Such fund may also receive gifts, grants,  
24 contributions, appropriations and funds or benefits from any  
25 other source or sources, and make investments of the unexpended

1       balances thereof] shall be used for the purposes established in  
2       the Federal Low Income Home Energy Assistance Program and  
3       sections 660.100 to 660.136.

4             2. The provisions of section 33.080, RSMo, to the contrary  
5       notwithstanding, money in this fund shall not be transferred and  
6       placed to the credit of general revenue until the amount in the  
7       fund at the end of the biennium exceeds two times the amount of  
8       the appropriation from the fund for the preceding fiscal year.

9       The amount, if any, in the fund, which shall lapse, is that  
10      amount in the fund which exceeds the appropriate multiple of the  
11      appropriations from the fund for the preceding fiscal year.

12      Moneys in the utilicare fund not needed currently for the  
13      purposes designated in sections 660.100 to 660.136, may be  
14      invested by the state treasurer in the manner that other moneys  
15      of the state are authorized by law to be invested. All interest,  
16      income and returns from moneys of the utilicare stabilization  
17      fund shall be deposited in the state treasury to the credit of  
18      the utilicare stabilization fund.

19             660.285. 1. If the director determines after an  
20      investigation that an eligible adult is unable to give consent to  
21      receive protective services and presents a likelihood of serious  
22      physical harm, the director may initiate proceedings pursuant to  
23      chapter 202, RSMo, or chapter 475, RSMo, if appropriate.

24             2. In order to expedite adult guardianship and  
25      conservatorship cases, the department may retain, within existing



1 funding sources of the department, legal counsel on a case-by-  
2 case basis.

3 660.690. In order to protect the community spouse of an  
4 individual living in a residential care facility I or residential  
5 care facility II, as defined in section 198.006, RSMo, from  
6 impoverishment and to prevent premature placement in a more  
7 expensive, more restrictive environment, the division of family  
8 services shall comply with the provisions of subsection 6 of  
9 section 208.010, RSMo, when determining the eligibility for  
10 benefits pursuant to section 208.030, RSMo.

11 Section 1. Notwithstanding any provision of section 89.020,  
12 RSMo, to the contrary, the legislative body of all cities, towns,  
13 and villages is hereby prohibited from passing any zoning law,  
14 ordinance, or code that would prevent any entity organized  
15 pursuant to Section 501(c)(3) of the Internal Revenue Code that  
16 owns or operates a retail business engaged in the practice of  
17 reselling donated goods from operating a business establishment  
18 within any area where any other business engaged in retail sales  
19 is permitted to operate; provided that at least eighty percent of  
20 all revenue generated by such entity is used to fund the  
21 charitable purpose of the organization.

22 [660.120. 1. Funds for the utilicare  
23 program may come, or other sources. from  
24 state, federal  
25 2. Any household which is eligible to receive  
26 both federal assistance and utilicare assistance in  
27 paying for its primary or secondary heating or  
28 cooling source may receive utilicare assistance only  
29 as follows: In the event that the federal

1 assistance available to such household is less than  
2 the total benefits available to the household under  
3 the provisions of section 660.115, then the  
4 household may receive utilicare assistance only in  
5 an amount equal to the amount of the difference  
6 between the federal assistance available in paying  
7 for its primary or secondary heating or cooling  
8 source and the total benefits available to such  
9 household under the provisions of section 660.115.]